

year with a staff that was adequate to come up with what went wrong on 9/11.

We are ultimately going to have an independent bipartisan commission to study what went wrong with the Government's response to Katrina. There is no question about that. So we should move that along and get it done as quickly as possible. In the meantime, have the committees of jurisdiction in the House and the Senate do what they are obligated to do by virtue of their role in history.

I would hope that on this issue we can move forward on a bipartisan basis. If we use the model of the 9/11 Commission, the majority still gets the edge because with 9/11 what happened is the President picked the chair. As it turned out, the Republicans had one more vote on the commission than did the Democrats, but it worked out OK. While that may not be perfect, it is certainly more perfect than this very awkward presentation that has been made in the last 24 hours about this so-called bipartisan commission. That is Orwellian. That is not bipartisan.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### OPENNESS IS BEST POLICY

Mr. DAYTON. Mr. President, I echo some of the remarks the Democratic leader made. I am about to leave this Chamber to go to a behind-closed-doors hearing of the Committee on Homeland Security and Governmental Affairs with the acting director of operations for FEMA and the Commandant of the Coast Guard. I am told that the chairman of the committee, the distinguished Senator from Maine, and the ranking member from Connecticut tried to get this hearing in public but that the administration officials would not appear in a public session. I think the public deserves to and would benefit from hearing these people with key roles in this recovery effort.

Similarly, on Tuesday evening, a majority of us in the Senate met with 10 members of the Cabinet, 10 Secretaries—all of them had important things to say—as well as the Chairman of the Joint Chiefs of Staff and the head of the Coast Guard. That briefing should have been in a public setting. There was not a single remark made by anyone that was not unclassified and should not have been available to all of the people of this country, certainly those who are most beleaguered, who are looking for answers to the questions that the Democratic leader and others on both sides of the aisle have raised.

We had a brief time for questions. We were not able to ask those questions of the administration officials in a public setting before the American people. Yet the President is coming forth now with a second request for funding, \$51.8 billion on top of the \$10.5 billion the Senate and the House passed last week. These matters are moving swiftly. We are told by FEMA that the burn rate—

only in the Federal Government would the spending of taxpayer money of \$2 billion a day be called a burn rate, but the FEMA director has said they are spending \$2 billion a day. That is why we have to have a second supplemental before this body in less than 2 weeks.

I understand the need to move quickly, but I have been in this body all week. We could have come back last week. We have not had a single public hearing on any of these matters, I am told, because the administration officials will not appear in public before these committees to answer questions before us and before the American people. I find that to be unacceptable.

The administration has a responsibility to come before us in public hearings and public sessions and present their testimony but then answer our questions. Give us a chance to ask and for them to answer the questions that are on the minds of millions of Americans these days. We have a right to public hearings before we expend another \$51.8 billion of public money.

The administration has that responsibility, I believe, and I ask that the distinguished majority leader of the Senate insist in his discussions with the administration—and I am quite confident that the Democratic leader and all of our caucus would support this—that these hearings and briefings be in public settings before the American people and not behind closed doors. If we are going to work together in a bipartisan way, let us do so. Let us begin that work now in public sessions. I challenge the administration officials to come before us in those settings.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 14 minutes remaining in morning business under the control of the majority.

#### EMERGENCY FUNDING

Mr. GREGG. Mr. President, we will sometime later today be getting a supplemental request in the Senate to continue to fund the needs of the relief effort in Louisiana, Mississippi, and Alabama, which will be approximately \$50 billion on top of the \$10 billion that has already been spent. Obviously, it is essential that we get these dollars down there and put them to use aggressively in order to try to help the people who are in such dire straits, and to try to begin to bring some order and some relief to those who have suffered so much.

As we proceed in this effort, we should err on the side of making sure

that we get the dollars there quickly in order to support these individuals who are in such dire straits, and to try to assist this part of the country that has been hit by this catastrophic event.

But in the process, I think it is important that we have some fiscal oversight that allows us to feel comfortable that the dollars that are being spent are going effectively, quickly, and aggressively to relief efforts which are legitimate and appropriate.

Thus, I congratulate the House of Representatives for putting in the supplemental and identifying within the supplemental \$15 million which will be assigned to the Inspector General's Office to start to put in place the auditing process and the oversight process on how the money is being spent, which I believe is critical.

We have seen some issues which obviously, if they are pursued logically, make sense. But if they are pursued in a way that is not logical, they are going to cost us a lot of money and probably not get us a lot of relief.

For example, there was a report in my State paper which said that all the dealerships who sell Winnebagos in New Hampshire have been contacted and told to get ready to transfer their entire inventory over to the Federal Government because they are going to ship it all out. Maybe that is what we will end up doing, but we hope before we buy up all the Winnebagos in America and send them to the gulf coast, we would be thinking about the cost and how we are going to approach that and whether that is the best way to proceed.

There are a lot of ideas floating out there. I think it is important we have the structure in place that effectively monitors cost and how the money is being spent. So I congratulate the House.

In addition, I think the President's decision, along with the Vice President, to have the Vice President physically going there and being on the ground in that region is a very positive step in our efforts to get order in the process of delivering relief.

Anybody who knows the Vice President—and I have had the good fortune to serve with him in the House and fortunate to serve with him here while he has been Vice President—will note that he is a no-nonsense individual. He looks at an issue, decides how to get the best results for resolving the problem, and moves forward. He did that as Defense Secretary. He has done it, obviously, as Vice President. He will bring immediate coherence, intelligence, and aggressive action in solving the problem and will move forward with the complexities of this reconstruction and relief effort. I think it is an excellent decision to have the Vice President step into the middle of this effort and basically try to calm the waters, but more importantly execute efficiently what is going on in the area of the Federal relief effort. However, it does lead to the point I made earlier—

and which I want to stress once again—which is that this is not an overnight, 2- or 3-month exercise. We all realize that rebuilding this region is going to take a significant amount of time and a tremendous amount of resources and a lot of thought and an intelligent process.

We need to set up, I believe as we move forward—obviously, not within the next few days but certainly within the next month—some type of structured commission along the lines I would suggest as was done after the horrific floods of 1926 when Herbert Hoover led the effort, where you basically have a central focal point with an individual of great ability and national recognition leading the effort, and basically manage the Federal dollars as they come in from all the various Federal agencies that will be impacted, and make sure those Federal dollars are effectively, efficiently, and quickly brought to bear on the problems in concert with the State and local governments.

I believe that is going to take a separate type of entity to be created. I think we should be thinking about how to structure that entity. I would certainly be looking to people such as Senator COCHRAN, Senator LOTT, Senator SHELBY, Senator SESSIONS, and the Senators from Louisiana, Ms. LANDRIEU and Mr. VITTER, for ideas about how we should set that up. We should be starting the process.

I wanted to come to the floor and say, as we move forward on this supplemental—obviously, it is totally outside of the budget. It is an emergency, and that is the way it should be done, but it is \$50 billion—it is important that we retain this language—and I guess we will try to move this supplemental through the Senate without amendment—retain this language which makes sure that the Inspector General has the resources the office needs in order to effectively monitor how these funds are managed; to make sure we are getting the best return in the most prompt way for these tax dollars which are in such dire need down there in order to pursue the reconstruction and relief effort.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2862, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

#### H.R. 2862

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### [TITLE I—DEPARTMENT OF JUSTICE

##### [GENERAL ADMINISTRATION

##### [SALARIES AND EXPENSES

[For expenses necessary for the administration of the Department of Justice, \$126,956,000 (reduced by \$2,500,000), of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and \$11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: *Provided further*, That not to exceed 28 permanent positions, 23 full-time equivalent workyears and \$3,980,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and \$2,764,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

##### [JUSTICE INFORMATION SHARING TECHNOLOGY

[For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, \$135,000,000, to remain available until expended.

##### [NARROWBAND COMMUNICATIONS/INTEGRATED WIRELESS NETWORK

[For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$110,000,000 (reduced by \$39,126,000), to remain available until September 30, 2007: *Provided*, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

##### [ADMINISTRATIVE REVIEW AND APPEALS

[For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$215,685,000.

##### [DETENTION TRUSTEE

[For necessary expenses of the Federal Detention Trustee, \$1,222,000,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

##### [OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General, \$66,801,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

##### [UNITED STATES PAROLE COMMISSION

##### [SALARIES AND EXPENSES

[For necessary expenses of the United States Parole Commission as authorized, \$11,200,000.

##### [LEGAL ACTIVITIES

##### [SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

[For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$665,821,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### [SALARIES AND EXPENSES, ANTITRUST DIVISION

[For expenses necessary for the enforcement of antitrust and kindred laws, \$144,451,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed \$116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal